

### R E M A R K S

Claim 21 is amended. Claims 3, 18-20, 23, and 24 are canceled. Re-examination and reconsideration are requested.

5 In the office action, paper number 4, dated March 10, 2004, the examiner provisionally rejected claims 1, 9, and 19 under the judicially-created doctrine of double patenting over claims 1, 10, and 20 of co-pending application serial no. 09/696,719. The examiner rejected claims 19-23, and 29 under 35 U.S.C. §103(a) as being unpatentable over Kawai, et. al., U.S. Patent No.  
10 6,043,866 (Kawai). The examiner objected to claims 24-28 as being dependent on a rejected base claim, but indicated they would be allowable if rewritten to include the limitations of the base claim and any intervening claims. The examiner objected to claims 2, 4-7, and 10-15 as being dependent on the rejected base  
15 claim 1, which stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting. The examiner allowed claims 8, 16, and 17.

#### Re the Claims:

20 Claim 21 is amended to include the subject matter previously contained in claims 23 and 24 (now canceled). Claim 21, and the claims depending therefrom (i.e., claims 22, and 25-29) should now be allowable.

#### Re the Double Patenting Rejections:

25 The examiner provisionally rejected claims 1, 9, and 19 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10, and 20 of co-pending application serial no. 09/696,719. However, applicant notes that claims 1, 10, and 20 of co-pending application serial no. 09/696,719 are no longer pending. Therefore, the provisional  
30 double patenting rejections are moot and should be removed.

#### Re the Rejections of the Claims:

The examiner rejected claims 19-23 and 29 as being obvious


over the Kawai reference. However, these rejections are now moot based amended claims.

Specifically, the rejections of claims 19 and 20 are moot in light of the cancellations of claims 19 and 20. The rejections of claims 21-23 and 29 are moot based on the amendments to claim 21. That is, because the examiner indicated that claim 24 would be allowable if rewritten in independent form to include the limitations of the base claim (claim 21) and any intervening claims (claim 23), claim 21, which is amended hereby to include the limitations of claims 23 and 24, should now be allowable. Claims 22 and 25-29 should now be allowable by virtue of their dependency from amended claim 21, which is allowable.

Applicant believes that all of the claims pending in this patent application are allowable and that all other issues raised by the examiner have been rectified. Therefore, applicant respectfully requests the examiner to reconsider the rejections and to grant an early allowance. If any questions or issues remain to be resolved, the examiner is requested to contact the applicant's attorney at the telephone number listed below.

Respectfully submitted,

DAHL & OSTERLOTH, L.L.P.

  
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